REMARKS

This is a supplemental response that follows the response dated August 19, 2003. In this response, new claims 31-34 have been added. In addition, contained herein are remarks that address the propriety of a number of the §103 rejections.

In the prior response, Applicants discuss the requirement of the Patent Office to make out a prima facie case of obviousness and the general law as it pertains to setting forth a legally sufficient motivation to combine references.

Applicants will again address the §103 rejections based on the combination of Sower and Lloyd. As noted before, the Examiner has maintained that it would have been obvious to modify Sower by reusing the separated liquid for flushing waste in view of the teachings of Lloyd, to reduce the amount of water required to flush waste from the hog barn. To the contrary, a person of ordinary skill in the art would not reuse the Sower liquid for flushing the hog house. This is because the water leaving the anaerobic lagoon in Sower is loaded with viruses, bacteria and pathogens. To recycle or reuse this water would be a recipe for disaster. This would introduce viruses, bacteria and pathogens into the hog house, time after time, and would severely and adversely impact the health and welfare of the hogs. That fact alone would discourage anyone skilled in the art from even thinking about reusing the liquid in the Sower patent.

Further, the separated liquid in Sower contains significant amounts of ammonia. If th separated liquid in Sower were returned to the hog house then the ammonia introduced to the environment in the hog house would cause serious breathing and respiratory problems for the hogs. That in itself would discourage anyone skilled in the art from returning Sower's separated liquid to the hog house.

Finally, one of the major concerns in improving the environment and conditions around hog houses is to remove odor. In Sower separated liquid is saturated with obnoxious odors and

a person of ordinary skill in the art would be very reluctant to return the odor laden separated liquid from Sower back to the hog house.

In the final analysis there are many substantial reasons that would at the outset discourage anyone skilled in the art from even thinking about returning the Sower separated liquid back to the hog house. Certainly there would be no motivation to modify Sower to form a process that those skilled in the art would readily understand to be harmful to the hogs or animals in the animal house.

Briefly turning to the rejections of claims 4 and 16-21 as being unpatentable under Sower in view of Lloyd and in further view of Seckler, a number of comments are in order. One of the main goals in the Sower patent is to manufacture fertilizer. The Patent Office has taken the position that it would be obvious for Sower to separate the undigested feed from the solid waste. If the undigested feed is separated from the solid waste, then there is an automatic reduction in Sower's capacity to make fertilizer. This would reduce the production of methane gas, which is the energy source for drying the fertilizer. Further, by removing the undigested feed from the Sower process, one is removing the food source from the microorganisms, which in turn reduce the system's capacity to produce both the methane gas and the fertilizer. Therefore, since one of the principal goals of the Sower patent is to produce fertilizer, then if the process is modified to extract undigested feed, that modification will have a serious and substantial impact on Sower's ability to manufacture fertilizer. That reason and that reason alone would discourage and certainly not motivate a person of ordinary skill in the art from making such a modification.

The Examiner will note that new claims 31-34 are directed to the processes that take place in the holding tank of Applicants' invention. The holding tank in Applicants' invention includes the total general make up of the animal waste that is both the solids and liquid portions of the waste. That animal waste is directed to a holding tank where it is treated with an alkaline composition. In the holding tank a number of processes take place as a result of mixing the

alkaline composition with the animal waste. First the alkaline composition breaks down the colloidal bonds in the solid waste in the mixing tank. Next, the urea in the mixing tank releases ammonia. Finally, the alkalinity in the mixing tank kills the pathogens.

In Sower there are no such processes. The total animal waste first goes to a clarifier and not to a mixing tank. In Sower, there is no alkaline composition mixed with the total animal waste in the clarifier. Further, Sower certainly does not teach the three processes of breaking down the colloidal bonds in the solid waste, causing the urea in the animal waste to release ammonia and killing pathogens in the animal waste, all of which take place in the holding tank. Therefore, for those reasons alone claims 31-34 define over the prior art.

For the foregoing reasons, it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

If additional fees are required please charge them to Deposit Account No. 18-1167.

By:

Respectfully submitted,

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